G R S App F IX 4]

1947 - 48

File No. 75-47

Previous References
P R 114-45 (4344) (Mul)

Serial Nos 29,30

Later References
DTB 13-50-(11,12)

GENERAL AND REVLNUE SECRETARIAT

Serial Nos

Two

Part B for April 48

SUBJECT

Representation of mr m. Narasimha iya Contractor praying for - higher wages for the work of laying sewer in the Sub main in the Cantonment portion of Mallewaram

L158-43-45 & 15-4-48

To The Chairman C.I.T Board
Auditor B' Core
Ch. Engr Rly

Sanction the recommend

3836/L

~~From the chief engineer~~

P.W. No 1149-WS (63 cys)

From the chairman, Bangalore Trust Board

No EG 234/47 dt 31/1/47

Requests sanction to the payment of Rs 32,307/- in excess of the tendered of Rs 2,71,776/- to Mr M Narasmhaiah, The contractor for the work of laying sewers in Sub-main in the Eastern portion of Malleswaram

1) submitted

The tender of Mr Narasmhaia for Rs 2,71,776/- for the above said work was accepted in Go dated 7/2/46

2) It is seen from the report that the contractor has executed work to the extent of Rs 98,000/- as against the stipulated progress of Rs 2,70,00 by the end of December 46 the slow progress is attributed to be due to the difficulties in securing

controlled articles required for the work in view of the representation of the contractor ~~regarding for the payment of remunerative rates 25% was made~~ for an increase of 25% over his tendered rates, the Trust board propose to pay higher rates for certain items of work, as recommended by the Engineer officer of the Trust-board, to the contractor the items of work and rates proposed ~~were~~ are noted under para 3 of the report As per this revision, a sum of Rs 32,307/- has to be given to the contractor, in excess of his tendered amount The payment is recommended subject to the condition referred to in the Trust board resolution noted under para 5 of the report of the chairman

3) The chief Engineer for R&B may be consulted as to

3836/L

whether the rates now recommended involving an excess of Rs 32,307/- may be sanctioned subject to the condition specified by the Trust Board

No 10/1, Dt 10-1-48 14/ The remarks of the Chief Engineer for Roads & Buildings may perhaps be obtained on the above proposal of the Trust Board.

Revenue for 12/1/48

5) U O No 185 d 15-1-48 Forwarded W/C to the Chief Engineer for Roads & buildings in Mysore, Bangalore for favour of opinion

Syedabunlah
Revenue
for 16/1/48

1543 14/1/48

THE CHIEF ENGINEER OF MYSORE
No. 295
RECD No
DATE 17-1-1948

Br II(a)
Ref 16/1/48
307 A-1-48
16/1/48
Br II
17/1/48
Br I
19/1/48

U O No 393 Dated 3 3 48

6) Returned with compliments

2 The current rates for earthwork in ordinary soil is ascertained to be Re 0-12-0 per Cyd The rate for removal of rock by blasting with gun powder or dynamite is Rs 10/- per Cyd The rates as recommended by the Chairman, City Improvement Trust Board, Bangalore, are reasonable & may be applied

Chief Engineer for Roads and Buildings

The Secretary to Government,
Revenue Department

REVENUE SEC
413
INDENT

3836/wl

7) This relates to the proposal of the Sangha Trust Board to pay a sum of Rs 32,307/- in excess of the tender of Rs 2,71,776/- of Mr Narasimhan, the contractor for the work of laying sewers in sub-main in the eastern portion of Rameswaram, subject to the conditions specified in their resolution of 22-12-47 noted under para 5 of the paper under disposal

8) The chief Engineer for R+B who was consulted in the matter also favours the payment of the extra amount, as proposed by the Trust Board - Vide para 6

9) It is for orders if the proposal may be sanctioned As the excess is Rs 32,307/- (more than Rs 25,000/- the case may have to be treated as Council matters

S/3 Br 10 3 48 Revised 11/3/48

- chairman informs that a cost with a view to the grant of the proposed scheme

9/3/48

11) In view of the Ch: Engineer's opinion in para 6 above and in view of the facts mentioned in the

Jnl

Chairmans letter itself granting of higher rates as recommended appears to be inevitable. Hence sanction proposed for may be granted to the resolution of the Board in this connection.

Minister for Finance & Industries

13/3/48

Fin

13/3/48

Through Fin Secy

13) Hd S/C

16.3.48

17/3

Fin Secy

14) submitted with a draft go

15) Pl issued

Ma 13/4 (Per Secy).

16) Advt

14/4/48

To,

The chairman, Bangalore
The Secretary, P W D
The chief Engineer for Roads
2 15-843-s-S 15/4/48.
Sanction the proposal

3836 J 6232/mk.

From the chairman,
Bangalore Trust Board

No F 366/47 dt 14-4-48

states that the extra cost-
involved will be met out of
the ~~the~~ balance available
in the comprehensive scheme

17) Submitted for perusal with
reference to para 2 of the dt
dt 14-4-48 15- No further action
appears called for This will be recorded
after perusal, ~~for approval~~ if approved

Mrs 4/5-

yes

Mrs 1/5/48

JGR 1/5

B Mrs 4/5-

ML 75-47-29

G No. 234/47-8

OFFICE OF THE CHAIRMAN,
City Improvement Trust Board,
Dated, Bangalore, the 3rd January 1948.

3836/ML
6 JAN 19[illegible]
L S G [illegible]

To

SYED ABDUL ALEEM, ESQ, B.A,
Secretary to Government,
Revenue Department,
BANGALORE

Sir,

SUBJECT: Contractor Mr.M Narasimhiah's representation praying for higher rates for the work of laying sewers in Sub-main in the Eastern portion of Malleswaram

I have the honour to state that the above work was one of the items included in the Comprehensive Scheme for the under-ground drainage works in Bangalore City sanctioned in G O No.L.3422-26/ML 90-41-4 dated the 1st November 1941 - The sanctioned estimate for the work was Rs.3,65,000/- Tenders were called for for the above work and 13 tenders were received and the lowest was that of Messrs M Narasimhiah & Bros, for Rs 2,71,776/- for the work portion only The acceptance of this tender was sanctioned in G O No L 8007-11/ML 149-45-44 - dated 7-2-46.

2 It is reported by the Engineer Officer that the work was started by the Contractor during March 1946 and that so far, a progress of Rs 98.000/- has been secured against the stipulated progress of Rs 2,70,000/- by the end of December 1946 at the rate of Rs 22,000/- per month The slow progress is - attributed to be due to the difficulty in securing controlled articles like cement etc, and high cost of materials and labour in recent years due to the effects of war The Contractor has

P T.O

has represented that he has been suffering great loss on account of the low rate tendered by him for various items of work and prays that in view of the present high rates an increase of 25% above the tendered rates may be given to him etc.

3. The Engineer Officer to whom the question was referred reports that unavoidable delay and the steady rise in the cost of materials and labour have largely contributed to the slow progress and that his inability to continue the work without appreciable loss is evident from a consideration of his tendered rates in the light of the prevailing rates and that though as per terms of contract, he is not entitled to any revision of rates, yet, in view of the fair progress of nearly Rs 98,000/- secured by him in the difficult circumstances narrated above, his case might be treated as a special one and some consideration shown to him It is further reported that by terminating the Contract at this stage and calling for fresh tenders for the balance of work, the Department would have perhaps to incur heavy expenditure at the prevailing rates and the question of imposing penalty and recovering loss from the present Contractors would mean litigation and protracted further proceedings Taking all these circumstances into consideration, the Engineer Officer recommends a slight enhancement in the rates for different items of work as detailed below -

Item of Work	Rates as tendered.	Rates as recommended.
1 Earthwork etc ,asper specification	0-6-0	0-8-0
2 Removal of rock by blasting including chiselling.	Rs.6/-for blasting, & Rs 8/-for chiselling.	Round rate of Rs 10/-
3. Providing and laying stone-ware pipes.	Rs 2-4-0 for 7" and Rs.3-5-6 for 9"	Schedule rate of Rs.2-7-0 for 7" Rs 3-10-6 for 9"

(Contd in the next page)

(Contd.from overleaf)

4	Providing and fixing junctions	Rs.8-6-0 for 7" x 4" and Rs.13-5-0 for 9"x 4"	Schedule rate of Rs.9-4-0 for 7"x 4" and Rs 13-14-0 for - 9" x 4"
5	Construction of Manholes and Chambers.	Schedule rates to be given wherever tendered rate is lower.	

4. The cost of the work as per revision proposed would result in an excess of Rs 32,307/- over the tendered amount of Rs.2,71,776/- If on the other hand, the Contractor's prayer for an increase of 25% over his tendered rates is conceded, it would result in an excess of Rs 68,000/- It was therefore considered that the recommendation of the Engineer Officer might with advantage be accepted provided the Contractor completes the remaining portion of the work within a stipulated time to be fixed by the Board.

5. This question was placed before the Board at its meeting held on 22-12-47 and after considering the various aspects of the case, it was resolved

> "That without prejudice to the legal position of the Board and as a special case, the rates recommended by the Engineer Officer be accepted provided the Contractor agreed to complete the work in 6 months - time and the enhanced rates be given to him in the - final bill The six months time to commence from the date of Government sanction to the above proposals - and communication of the same to the Contractor "

An extract from the proceedings of the meeting of the Board on this subject is also enclosed for favour of reference.

6 I request that in these circumstances, sanction of Government may kindly be obtained to the above proposal as per resolution of the Board. After receipt of Orders of Government, necessary further action will be taken to have a revised esti-

P T O

revised estimate prepared and submitted to Government for - sanction

7 A copy of the Engineer Officer's note on the subject is also enclosed for favour of reference.

I have the honour to be,
S i r,
Your most obedient servant,

CHAIRMAN

Mss/2. .

PROCEEDINGS OF THE MEETING OF THE CITY IMPROVEMENT TRUST BOARD, BANGALORE, HELD AT 9 A M ON 22nd DECEMBER 1 9 4 7

"Extract"

xx xx xx

SUBJECT NO.2:-

Consideration of the Engineer Officer's Note re the representation of Contractor - Mr Narasimhiah, asking for enhanced rates.

At the request of the members, the Engineer Officer explained in detail the history of this item of work and the reasons why though the Contractor was not legally entitled to claim any enhancement in rates, in view of the fact that subsequently there had been a sharp increase in prices, the Contractor could be shown the concession recommended by him

Mr M V Veerappa speaking said that there being no obligation on the part of the Board to supply materials, if cost had risen, it was a risk which the Contractor was bound to take.

Mr B.N Gupta said that there was no doubt that this Contractor had quoted low, and had perhaps suffered losses and while he was not entitled to any rise in rates as a matter of law still the case should be considered sympathetically, and the recommendation of the Engineer Officer might be accepted He wanted it to be made very clear that the enhanced rates would be given to him only if he corpleted the remaining portion of the works within a stipulated time, to which it may be extended

Rajakaryaprasakta M Narasimhaiya suggested that the Contractor should agree to take the amount according to the enhanced rates recommended by the Engineer Officer only in his final bill. There were according to him, some handicaps in regard to the works such as difficulty of labour and rations, and perhaps the cancellation of the tender and further proceedings would result in further deterioration in the position of the Contractor Retendering may also mean a heavier expenditure than that involved by granting the enhanced rates recommended But, all depended on the bona-fides of the Contractor Sanction of Government was also necessary and should be obtained.

Mr K M Naganna agreed with the above

The Chairman stated that Mr Narasimhiah and Mr Gupta had put the matters very clearly There was no question of any legal claim and the contention put forward by the Contractor were neither correct nor tenable as stated by the Engineer Officer in his report It was necessary also to state that any concession or rise in the rates that may be decided upon by the Board was to be without prejudice to the legal position of the Board and it should be stated so, lest the Contractor may think that by passing the resolution, the Board had accepted his contention

It was resolved -

"Without prejudice to the legal position of the Board and as a special case, the rates recom-

P T O

[illegible]

xx xx xx

Sd/- C.N.NARASIMHA RAO,
Chairman,
City Improvement Trust Board,
Bangalore.

"C O P Y"

C.N. Narasimha Rao
CHAIRMAN.

Sd/-

[illegible].

NOTE ON THE REPRESENTATION OF M/s M NARASIMHIAH & BROS CONTRACTORS, ASKING FOR ENHANCED RATES.

From the synopsis of the case it could be seen that full co-operation has been extended by the Department to the best of their ability "Inspite of the best efforts of the Department ' delay in obtaining cement particularly in the early period of work was inevitable and this to a great extent could have retarded the stipulated progress with the result that the work was being prolonged " It could also be seen from the periodical progress reports that under the circumstances a fair progress was being maintained by the Contractor though not the stipulated progress The Contractor states that the unavoidable delay and prolongation of work and the steady rise in cost of material and labour resulted in his inability to continue the work without appreciable loss. He says that this is evident from his tendered rates in the light of the present day prevailing rates. Though as per the terms of contract, he is not entitled to any revision of rates and as the statements made by him against Officers of the Department are neither correct nor tenable, yet in view of the fair progress of nearly Rs 98,000/- secured by him and the difficult circumstances under which he has to continue, the whole case could be treated as a special one

Now by terminating the contract at this stage and calling for fresh tenders for the balance of work, the Department will perhaps incur a heavy expenditure at the prevailing rates and to impose the penalties and recover loss will mean protracted further proceedings.

So taking an overhaul view of the whole case, the following recommendations are made.

Item of work.	Rates as tendered.	Rates as recommended.
1. Earthwork etc , as per specification	0-6-0	0-8-0
2 Removal of rock by blasting including chiselling	Rs.6/-for blasting & Rs 8/-for chiselling	Round rate of Rs 10/-.
3. Providing and laying Stone-ware pipes	Rs.2-4-0 for 7" & Rs.3-5-6 for 9"	Schedule rate of Rs 2-7-0 for 7" &Rs 3-10-6 for 9"
4 Providing and fixing junctions	Rs 8-6-0 for 7"x 4" & Rs 13-5-0 for 9"x4"	Schedule rate of Rs.9-4-0 for - 7" x 4" and Rs 13-14-0 for 9" x 4"
5. Construction of manholes and Chambers	Schedule rates to be given wherever tendered rate is lower.	

P T O

Mr C N NARASINGA RAO BABL
Chairman

CITY IMPROVEMENT TRUST BOARD

Bangalore dated 14th April 1948

D O No G 366/47-8

GENERAL & REVENUE SECRETARIAT
6232
20 APR 1948
MULTA BRANCH

Dear Sir,

Re Higher Rates proposed to be paid to M/s M Narasimhaiya & Brothers for the work of laying sewers in the Eastern portion of Malleswaram

***

I invite kind reference to To No G 234/47-48 dated - 3/5-1-1948 requesting sanction of Government to the proposals contained therein and request early orders of - Government in the matter may kindly be dbtained and communicated As regards the source from which the extra - cost is to be met, I invite kind reference to the Engineer Officer's report sent with this Office letter under reference stating that the extra cost in this connection will be met out of the General Savings in the Comprehenive Scheme of Drainage Works, Bangalore City

Yours sincerely,

SYED ABDUL ALEEM, ESQ ,B A ,
Secretary to Government,
Revenue Department,
Bangalore

G R S App F VI—G 2]

SUBJECT

5 copies

Diary No of letter replied to 3836

General and Revenue Secretariat

( )

the *194*

Date of issue 15-4-48 194

Signed by Mr BV

subject to audit comments

May this be—

(i) printed ?

(ii) treated as a Standing Order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the Press ?

(iv) published in the Gazette Kannada Part ?

Section ML 75-47

File No

Serial No 30

Proceedings of the Government of His Highness the Maharaja of Mysore

Read—

1) G O No L 8007-11/Mal 149-45-44 & 7-2-1946 sanctioning the acceptance of the tender of Messrs N Narasimhaiah & Bros for Rs 2,71,776/- for laying Sub-main & Street sewers in the eastern portions of Malleswaram extension &c

2) Letter No G 234/47-48, & 3-1-48, from the Chairman, C & D Board, Bangalore

requesting in the circumstances
stated, sanction to pay
enhanced rates to certain
items of work, as referred
to in the margin, to the contractor
named Messrs M Narasimhaiah for
the work referred to in the
go read above subject
to the conditions ~~specified~~ specified in
the ~~following~~ undermentioned Resolution passed by
the Trust and ~~noted~~ at their meeting held on
~~as per extract~~ dated 22-12-47.) ~~as the subject~~ and adding that a sum of Rs 32,307/- is the
involved in the payment of the higher rates recommended
~~in the office~~" I shall without prejudice to the legal
position of the Board and as a special
case, the rates recommended
by the Engineer Officer be accepted
provided the contractor agrees to
complete the work in six months'
time and the enhanced rates
be given to him in the final
bill. The six months' time to
commence from the date
of ~~your~~ sanction to the
above proposals and communication

List of Enclosures

Copied by

Examined by

× please type the two portions 'A' marked under 3 of the Paper under reference

of the same to the contractor"
~~and add that the sum of Rs 32,307/- will be involved by the~~
~~proposal, as above~~

3938 3/3/48

3) An official note of the Chief Engineer for R+B in the matter

L. 15/8243-5/ 75-15.4.48
DT

Govt are pleased to ~~direct~~ sanction the recommendation of the Chairman to pay the ~~recommended~~ rates to the contractor as noted above, subject to the conditions referred to in ~~the G.O. read above~~ that resolution of the Trust Board read above

The Chairman is requested to intimate immediately the source to which the extra cost involved namely Rs 32,307/- will be debited

14/4/48
R.W.S.

Fr 14/4/48 T.O

To

The Chairman, c/o T Board,
Bangalore

The Auditor, P W D

The Chief Engineer for R&B

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

R e a d :-

Government Order No L.8007-11/El 149-15-44 dated 7th February 1946 sanctioning subject to certain conditions the acceptance of the tender of Messrs. M.Narasimhiah and Bros, for Rs.2,71,776/- for laying sub main and street sewers in the eastern portion of Malleswaram - extension, Bangalore City

2 Letter No G.934/47-48 dated 3rd January 1948, from the Chairman, City Improvement Trust Board, Bangalore requesting in the circumstances stated, sanction to pay enhance rates to certain items of work, as referred to in the margin, to the contractor namely Messrs M Narasimhiah for the work referred to in the Government Order read above subject to the conditions specified in the undermentioned resolution passed by the Trust Board at their meeting held on 22nd December 1947 and adding that a sum of Rs 32,307/- is the excess expenditure involved in the payment of the higher rates recommended

Item of work.	Rates as tendered.	Rates as recommended
1 Earthwork etc., as per specification.	0-6-0	0-8-0
2 Removal of rock by blasting including chiselling	Rs.6/-for blasting and Rs 8/-for chiselling	Round rate of Rs 10/-
3 Providing and laying stone-ware pipes.	Rs 2-4-0 for 7" and Rs.3-5-6 for 9"	Schedule rate of Rs 2-7-0 for 7" & Rs 3-10-6 for 9"
Providing and fixing Junctions	Rs 8-6-0 for 7" x 4" and Rs 13-5-0 for 9" x 4"	Schedule rate of Rs 9-4-0 for 7"x4" and Rs 13-14-0 for 9" x 4"
5 Construction of Manholes and Chambers	Schedule rates to be given wherever tendered rate is lower	

" That without prejudice to the legal position of the Board and as a special case, the rates recommended by the Engineer Officer be accepted provided the contractor agreed to complete the works in six months time and the enhanced rates be given to him in the final bill The six months time to commence from the date of Government sanction to the above proposals and communication of the same to the Contractor"

3. The official note No 393 dated 3rd March 1948 of the Chief Engineer for Roads and Buildings in the matter

ORDER NO L 15-843-57 mk 75-47-50

Dated, Bangalore, the 15 Apr 1948.

Government are pleased to sanction the recommendation of the Chairman to pay the rates recommended to the contractor as noted above, subject to the conditions referred to in the resolution of the Trust Board read above

The Chairman is requested to intimate immediately the source to which the extra cost involved namely Rs 32,307/- will be debited

To-The Chairman, City Improvement Trust Board, Bangalore
The Auditor, Public Works Department
The Chief Engineer for Roads and Buildings Mysore.

Puttalaramaiah
Secretary to Government,
Revenue Department

mk5

P CEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

R e a d :-

Government Order No.L.8007-11/41.149-45-44 dated 7th February 1946 sanctioning subject to certain conditions the acceptance of the tender of Messrs. M.Narasimhiah and Bros, for Rs.2,71,776/- for laying sub main and street sewers in the eastern portion of Malleswaram - extension, Bangalore City.

2. Letter No.G.234/47-48 dated 3rd January 1948, from the Chairman, City Improvement Trust Board, Bangalore requesting in the circumstances stated, sanction to pay enhanced rates to certain items of work, as referred to in the margin, to the contractor namely Messrs. M Narasimhiah for the work referred to in the Government

Item of work.	Rates as tendered.	Rates as recommended.
Earth-work etc., as per specification.	0-6-0	0-8-0
Removal of rock by blasting including chiselling	Rs.6/-for blasting and Rs.8/-for chiselling.	Round rate of Rs.10/-
Providing and laying stone-ware pipes.	Rs.2-4-0 for 7" and Rs.3-5-6 for 9"	Schedule rate of Rs.2-7-0 for 7" & Rs.3-10-6 for 9"
Providing and fixing junctions	Rs.8-6-0 for 7" x 4" and Rs.13-5-0 for 9" x 4"	Schedule rate of Rs 9-4-0 for 7"x4" and Rs 13-14-0 for 9" x 4"
Construction of Manholes and Chambers.	Scheduled rates to be given wherever tendered rate is lower.	

order read above subject to the conditions specified in the undermentioned resolution passed by the Trust Board at their meeting held on 22nd December 1947 and adding that a sum of Rs.32,307/- is the excess expenditure involved in the payment of the higher rates recommended .

" That without prejudice to the legal position of the Board and as a special case, the rates recommended by the Engineer Officer be accepted provided the contractor agreed to complete the works in six months time and the enhanced rates be given to him in the final bill. The six months time to commence from the date of Government sanction to the above proposals and communication of the same to the Contractor".

3. Unofficial note No.393 dated 20 March 1948 of the Chief Engineer for Roads and Buildings in the matter.

ORDER NO. L 15843-5/mL 75-47-3c
Dated, Bangalore, the 15 April 1948.

Government are pleased to sanction the recommendation of the Chairman to pay the rates recommended to the contractor as noted above subject to the conditions referred to in the resolution of the Trust Board read above.

The Chairman is requested to intimate immediately the source which the extra cost involved namely Rs.32,307/- will be debited.

By order and in the name of
Secretary to Government
Revenue Department

To:-
The Chairman, City Improvement Trust Board, Bangalore.
The Auditor, Public Works Department
The Chief Engineer for Roads and Buildings in Mysore.

mkb